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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,367	04/05/2004	Zoltan Egeresi		2619

7590
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12/28/2006

EXAMINER

LEWIS, RALPH A

ART UNIT

PAPER NUMBER

3732

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/28/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/817,367

Applicant(s)

EGERESI, ZOLTAN

Examiner

Ralph A. Lewis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

Objections to the Specification

The specification is objected to as being full of run-on, poorly constructed and incomplete sentences. There are grammatical and spelling errors too numerous to mention. The failure to indent the different paragraphs makes the application difficult to read and understand. Applicant is required to carefully review the specification and make the appropriate changes. It is suggested that applicant secure the services of someone fluent in the English language.

Additionally, in the "Brief Description of the Several Views of the Drawings" section of the application. A listing of each Figure should be provided followed by a brief description. Each description should be indented – for example

Figures 1A, 1B and 1C show a typical faucet spout with a special filter washer (29).

Figure 2A shows a basic prior art diverter (2) with a DentalJet holder (3) on the side.

Figure 2B illustrates the Dental Jet holder.

Figure 3 shows the DentalJet diverter in a normal position.

Figure 4 shows the interchangeable hose assembly.

Figure 5 illustrates the interchangeable hose assembly with a single wide clamp (26) under water pressure and flexible rubber tube (16) in the inflated position.

A substitute specification is required pursuant to 37 CFR 1.125(a) because of the informalities noted above.

A substitute specification must not contain new matter. The substitute specification must be submitted with markings showing all the changes relative to the

immediate prior version of the specification of record. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. An accompanying clean version (without markings) and a statement that the substitute specification contains no new matter must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown.

Objection to the Drawings

The drawings are objected to because element 16 in Figures 4-10, 13 and 14 described as being comprised of a flexible rubber material is illustrated in cross-section as being comprised of metal. Rubber has cross hatching with thick lines (see for example element 21 in Figure 1 of Lambert (US 3,810,465)). Correction is required.

Rejections based on 35 U.S.C. 112, second paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Initially, it is noted that it is unclear whether applicant is intending to present a single claim with two elements identified as "1" and "2" or whether applicant is presenting two different claims. The present claims are narrative in form and replete indefinite and functional or operational language. The structure which goes to make up the invented device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claims must be in single sentence form only. Note the format of the claims in patents cited.

Rejections based on Prior Art

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplowitz (US 6,740,053) in view of Handler (US 5,218,956).

Kaplowitz discloses a diverter assembly that is adapted to be attached to a faucet having a rotatable stop cock assembly 8 for diverting the flow to hand piece 14. The Kaplowitz device lacks the claimed filter. The use of mesh filters in such plumbing fixtures is conventional in the art as evidenced by Handler who teaches the use of one at 48 in Figure 2. To have merely used a mesh filter/screen with the Kaplowitz diverter

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in order to keep contaminants out of the hand piece would have been obvious to one of ordinary skill in the art.

Allowable Subject Matter

Claim 2 would be allowable if rewritten to overcome the rejection based on 35 U.S.C. 112, second paragraph above. The examiner suggests canceling claims 1 and 2 and submitting the following claim 3, which is allowable over the art of record.

3. (new) A multi-user oral cleansing device comprising:

a diverter for connection to a faucet, said diverter having a valve for diverting water from the faucet;

an elongated connecting hose having opposite first and second ends, said first end connected to the diverter for conveying water from the valve;

a dental jet hand piece being connected to the second end of the elongated connecting hose and having a nozzle for directing fluid to a patient's oral cavity, said jet hand piece having an adapter for pulsating the flow of water through the jet hand piece, said adapter being comprised of an elongated rigid tubular member having barbed first and second ends and a first fluid passage extending longitudinally there through, said adapter further including a second fluid passage extending diagonally through the tubular member wall and in communication with the first fluid passage, said first barbed end being connected to the second end of the elongated connecting hose, said adapter

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further comprising a rubber hose that extends over the second barbed end of the tubular member and covers the second diagonal fluid passage;

wherein when water flows through the jet handpiece water is conveyed through the adapter first passage and through the second passage where the water pressure repeatedly bulges the rubber hose around the tubular member second barbed end until the water is released out the end of the rubber hose and the bulging hose collapses, the repeated bulging and collapsing of the rubber hose causing the water directed out of the nozzle to pulsate.

Prior Art

Lambert (US 3,810,465), Deines (US 3,902,664)(NOTE PARTICULARLY FIGURE 4), Stouffer et al (US 3,973,558), Leunissan (US 4,135,501), Elcott (US 4,512,514), Damien (US 4,942,870), Rawden, Jr. (US 5,095,893), Hander et al (US 5,218,956), Thompson (US 5,220,914), Otani (US 5,387,182), Ruttenberg (US 5,727,733), Kaplowitz (US 6,740,053) and Floh et al (US 6,848,471) are made of record.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication should be directed to **Ralph Lewis** at telephone number **(571) 272-4712**. Fax (571) 273-8300. The examiner works a compressed work schedule and is unavailable every other Friday. The examiner's supervisor, Cris Rodriguez, can be reached at (571) 272-4964.

R. Lewis
December 18, 2006


Ralph A. Lewis
Primary Examiner
Au 3732